

**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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HF 2658 - Child Custody (LSB 6133 HV)

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Fiscal Note Version - New

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**Description**

House File 2658 creates a rebuttable presumption that a request for joint physical care by either parent is in the best interest of the child and places the burden of proof to rebut the presumption on the party denying that joint physical care is in the best interest of the child.

**Background**

During the 2004 Legislative Session, HF 22 (Joint Physical Care Act) required the Judicial Branch to award joint legal custody of a child to both parents as well as joint physical care to both parents, unless there was clear and convincing evidence that joint physical care was not in the best interest of the child.

**Assumptions**

1. In FY 2005, there were 8,363 dissolutions of marriage involving child custody issues. Of these cases, approximately 2,000 resulted in a hearing.
2. A portion of the 2,000 hearings were "prove up hearings", where one of the parties was required to answer additional questions from the judge when finalizing a dissolution.
3. Approximately 65.0% or 1,300 cases were custody disputes involving the issue of joint physical care.
4. Hearings would be prolonged to rebut the presumption and could add up to four additional hours of court time (\$122/hour) per case in which parties disagree on joint physical care.

**Fiscal Impact**

Under these assumptions the fiscal impact of HF 2658 would be an estimated \$634,000 in increased court costs for the Judicial Branch.

**Source**

Judicial Branch

/s/ Holly M. Lyons

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March 8, 2006

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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